

From: grish.org
To: [Casey Luckett/R6/USEPA/US@EPA](mailto:Casey.Luckett/R6/USEPA/US@EPA)
Cc: grish.org
Subject: Fwd: Inquiry: Arkwood Inc. Third Five-Year Review Report
Date: 10/17/2011 03:28 PM
Attachments: [2010NovemberUpdate.pdf](#)
[2011MarchUpdate.pdf](#)
[2011AugustUpdate.pdf](#)
[2011-2015 EPA Strategic Plan.pdf](#)
[landuse.pdf](#)
[reusedirective.pdf](#)
[guidance.pdf](#)
[sitewide.pdf](#)
[sf_ff_final_cprm_guidance.pdf](#)
[sitewide_a.pdf](#)
[rfrguidance.pdf](#)

Dear Casey,

I'm still composing the draft agenda. It will actually be quite brief when I finally finish it. The forwarded material here, while not brief, is also important background for you I feel.

I potentially may refer to any or all of the attached EPA publications in our meeting, as needed. I also may refer to other EPA documentation, including any that I may review as a result of my FOIA request.

If possible, I would appreciate your facilitating that FOIA request, as I see you were copied by Leticia Lane in her acknowledgement of same. I need to conduct my review of the files on November 8, 2011, the day prior to our meeting.

To date, I have not received from Superfund Division the index of those documents as Ms. Lane indicated I would in her note of October 12, 2011.

Thank you,

Curt

Begin forwarded message:

From: "grish.org" <curt@grish.org>
Date: August 10, 2011 1:45:24 PM PDT
To: Sanchez.Carlos@epamail.epa.gov
Cc: "grish.org" <curt@grish.org>, Donald Williams
<Williams.Donald@epamail.epa.gov>, moran.gloria-small@epa.gov,
walters.donn@epa.gov
Subject: Fwd: Inquiry: Arkwood Inc. Third Five-Year Review Report

Dear Carlos,

I know you must be busy, so I apologize for the following lengthy message, but I feel it is important and believe you will too.

On June 9, 2011 you said the 3rd Five-Year Review for the Arkwood, Inc. Superfund Site ("Arkwood"; EPA ID# ARD084930148; Site ID: 0600124) was days from finalization (see below). Is there a problem? If not, could I get a copy?

Following refers to the section of the EPA website's called "Superfund Information Systems." The section concerning Arkwood is located at:

<http://cfpub.epa.gov/supercpad/cursites/csitinfo.cfm?id=0600124>

I believe the bulk of the data and content on the page found at the above link and on the related pages linked from that main page for Arkwood on the "Superfund Information Systems" has not been updated in years.

I believe this section should include detailed content reflecting the current status of the Arkwood site and specific details about plans for going forward.

Most especially, I am concerned with the section of the page titled Land Reuse which states:

"EPA places a high priority on land revitalization as an integral part of its Superfund response program mission, so EPA tries to select cleanup options that encourage and support future use of a site. Sites made ready for use are deemed 'Site-wide Ready for Anticipated Use' (see glossary), which means, in part, that all cleanup goals have been achieved for both current and reasonably anticipated future land use. EPA has determined that this site meets the criteria for Site-wide Ready for Anticipated Use."

I am very concerned that the detailed steps for moving Arkwood toward land revitalization, including plans for land reuse, scope for future anticipated use, and guidance for achieving a determination of "Ready for Reuse" be spelled out in this area of the website and in the documents prepared by the Regional Project Manager (RPM) for Arkwood, which to date has not been the case.

I am most concerned that the EPA keep its promise embodied in the above quote and elsewhere regarding land revitalization, especially where Arkwood is concerned. Allowing the Arkwood site and surrounding lands to languish in an unproductive state, as they have for decades, is a breach of that promise that hurts the surrounding community and the State of Arkansas.

I attach several directives, memoranda, guidance and strategic documents issued and published by EPA Headquarters which I have quoted from in the past to make this case to you and to Don Williams. These documents further articulate EPA's promise to place a "high priority on land revitalization as an integral part of its Superfund response program mission..." I believe these documents and others make the EPA's taking concrete actions to achieve that purpose a requirement with the force of law.

These documents also clearly indicate that primary responsibility for scoping, planning, reporting and fulfilling land revitalization requirements lies with the site's RPM. I do not believe the RPM for the Arkwood has done anything to plan for or further the cause of land revitalization for this site, thereby failing his legal responsibility and EPA's good-faith promises to the public in that regard.

The link titled "More In-Depth Site Details (EPA Regional Content)" leads to a PDF document that is sporadically updated by the RPM for Arkwood, but these updates have consisted of carrying forward old verbiage and historical information, some of which is misstated, sometimes adding a few sentences which may or may not be accurate, and

placing a new publication date. I do not believe these updates are carefully prepared, complete or accurate.

For example, the three most recent versions of this document (November 2010, March 2011, August, attached) all state: "The owner Mr Bud Grisham signed a Deed Restriction in August 2010. The Deed record needs some coordinate correction which EPA is pursuing with the owner."

Mr. Williams has confirmed with me that the Deed Restriction as currently filed, which Mr. Williams approved prior to recording, is satisfactory to the EPA. EPA is not "pursuing with the owner" any such "coordinate correction."

If the above-quoted statement referred to the discussion you and I had in April of this year at the ADEQ meeting regarding amending the Institutional Control/ Deed Restriction to reduce its scope to just the affected area only, which is much smaller than the area currently bound by the IC, then that statement might be accurate. Since the statement first appeared before our April discussion, I don't see how that could have been its original reference, particularly since the EPA never pursued any corrections.

If the above-quoted statement is now meant to refer to that discussion (which was recorded with all parties' knowledge and consent) in which you committed to such a scope reduction of the IC (which commitment I have followed up with you by my written requests for a new legal description for a more limited scope to the IC and for written permission to amend the IC), then please ask the RPM to change the statement to reflect that intention, and please answer my requests for the new description and written EPA approval to record a superseding deed restriction to override the one in place.

Here is another example of inaccuracy perpetuated through this "Regional Content" document created by the Arkwood RPM:

All three examples I have attached state under the heading Ground Water Contingency Remedy: "The ground water via New Cricket Spring has been monitored for the last 9 years to determine if source control (Soils Remedy) is attenuating contaminants."

The first monitoring ground water sample of New Cricket Spring was taken 6/20/96, as noted in the First Five-Year Review, Table 2, page 10. That is over fifteen (15) years ago.

I believe I have given sufficient examples to call into question the accuracy and completeness of the Arkwood RPM's reporting. If not, I can supply more.

Please cause substantial oversight of the current RPM's conduct of Arkwood's remediation project to be put in place or, in the alternative, replace the RPM with someone who will be more proactive and accountable in fulfilling the requirements and responsibilities I have tried to point out in this and other official communications with the EPA.

Thank you for your attention.

Sincerely,

Charles Curtis Grisham, Jr.
(415) 264-7400

Begin forwarded message:

From: "grish.org" <curt@grish.org>
Date: July 27, 2011 9:24:49 AM PDT
To: Sanchez.Carlos@epamail.epa.gov
Cc: "grish.org" <curt@grish.org>, Williams.Donald@epamail.epa.gov
Subject: Re: Inquiry: Arkwood Inc. Third Five-Year Review Report

Hi Carlos,

Has the report been finalized? Thank you...

Curt

On Jun 9, 2011, at 2:33 PM, Sanchez.Carlos@epamail.epa.gov wrote:

Sorry Curt for the late response. The report is in concurrence here at EPA Region 6 and should be signed off in the next few days. We will provide a copy to you at that time. CAS

Carlos A. Sanchez
Chief, AR/TX Section
Region 6, Superfund Division (6SF-RA)
sanchez.carlos@epa.gov
(214) 665-8507

From: "grish.org" <curt@grish.org>
To: Carlos Sanchez/R6/USEPA/US@EPA
Cc: Donald Williams/R6/USEPA/US@EPA, "grish.org" <curt@grish.org>
Date: 05/24/2011 05:10 PM
Subject: Inquiry: Arkwood Inc. Third Five-Year Review Report

Dear Carlos,

I was wondering if the 3rd 5-Year Review for Arkwood is signed off yet. Could you update me please? If the report has been completed and all concurrences signed off, could I please get a copy? I do not see it posted on the EPA website.

Thank you,

Curt Grisham